



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 30 2008

Coleen Sullins, Director
Division of Water Quality
North Carolina Department of Environment
and Natural Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Dear Ms. Sullins:

The U. S. Environmental Protection Agency (EPA) received the revisions to *15A NCAC 2B Surface Water and Wetlands Standards, Section .0300 Assignment of Stream Classification* which were submitted to EPA for review by letter, dated March 19, 2008, and received on March 21, 2008. This letter is in reference to two reclassified sections of the Broad River in the Broad River Basin (*15A NCAC 2B .0306 - Broad River Basin*).

The public hearing for these revisions was held on September 25, 2006, with an effective date of March 1, 2007. These reclassifications were certified by the North Carolina Attorney General by letter, dated March 13, 2008, as duly adopted pursuant to State law. In accordance with 40 CFR Section 131.21(c), new and revised State and Tribal water quality standards are not effective for Clean Water Act (CWA) purposes until approved by EPA.

Broad River: Town of Shelby

The Town of Shelby requested a revision to the use designation of fourteen segments (list enclosed) in the Broad River Basin from Class C (fresh waters protected for secondary recreation, fishing, aquatic life, including propagation and survival, and wildlife) to the Water Supply (WS) IV category (waters protected as water supplies which are generally in moderately to highly developed watersheds). Classification as a WS-IV water entails the requirement that the water meet all underlying Class C criteria, as well as additional criteria specifically applicable to WS-IV waters. The Critical Area (CA) designation was also added to one segment indicating that the area is adjacent to a water supply intake or reservoir where risk associated with pollution is greatest, typically the water 0.5 miles upstream of an intake. The Town of Shelby sought to use this section of the Broad River as an alternative source of raw water during periods of drought when the existing source was inadequate.

The Division of Water Quality's (DWQ) Environmental Services Section conducted testing to ensure that the waterbody met all of the WS-IV qualifications. Results of DWQ's analysis showed that the waters to be reclassified met water supply standards and criteria for the WS-IV designation. However, the analysis also revealed that one parameter, fecal coliform, did not meet the water quality standard for the underlying Class C requirement for secondary recreation. Class C secondary recreation includes wading, boating, and other uses not involving

human body contact with water, and activities which include contact on an infrequent or unorganized basis. Exceedances of this underlying Class C fecal coliform parameter may not necessarily affect the water's ability to serve as a source of drinking water following appropriate treatment. However, treatment of water for drinking water purposes at a treatment facility would not address any potential fecal coliform impairment issues within the waterbody itself. Given the identified issues relating to fecal contamination in these segments, DWQ should list this water on North Carolina's Section 303(d) list of impaired waters. EPA discussed this issue with DWQ on August 19, 2008. DWQ indicated that it would work with the appropriate staff to ensure that the water is listed for fecal impairment.

EPA also recommends that DWQ coordinate with its source water assessment program to determine if a Source Water Assessment has been or could be completed for this waterbody. If a Source Water Assessment has already been completed, this would likely be a valuable tool for identifying any potential sources of contamination, and determining the necessary approach for addressing any fecal impairment. Should the waters be remedied under an alternative program, it could be eligible for credit under the Total Maximum Daily Load (TMDL) Accountability Project.

Regulations at 40 CFR 131.2 state that, "[a] water quality standard defines the water quality goals of a water body...by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses." Although a portion of the Broad River temporarily may not meet all of the provisions of the underlying Class C use specified for secondary recreation, it is still appropriate for these water bodies to have the uses designated under Class C as a goal for the waterbody. Again, this upgrade retains the goals of the Class C waters, including protection of all aquatic life uses and supporting water quality criteria of the State's Class C designation, given that such underlying Class C requirements also apply to Class WS-IV and WS-IV CA waters. The revision also includes additional protection of the waters as water supplies. Because the revised designation continues to protect all Class C water quality criteria and uses, and such Class C designation provides for the protection of all CWA Section 101(a)(2) uses (fishable/swimmable), these revisions are consistent with the goals of Section 101(a) of the CWA and the implementing regulations at 40 CFR Part 131.

Broad River: Town of Forest City

The Town of Forest City requested that sixteen sections of the Broad River (list enclosed) be reclassified from Class C to Class WS-IV so that the Town could construct a new public water supply intake. DWQ's report in support of these standards revisions states that DWQ conducted water quality studies, and the results indicated that all segments met the water supply water quality standards and criteria for the WS-IV designation. However, the report noted that there were 'slightly elevated' values for fecal coliform in some sections of the Broad River. EPA recommends that the data for this waterbody be reviewed to determine if any follow-up action is needed or if a Source Water Assessment has been or should be completed.


This upgrade in water quality standards to Class WS-IV and WS-IV CA retains all aquatic life uses and supporting water quality criteria applicable to the State's Class C designation. Because the underlying water quality criteria and uses of the State's Class C designation provide for protection of the CWA Section 101(a)(2) uses (fishable/swimmable), this revision is consistent with the goals of Section 101(a) of the CWA and the implementing regulations at 40 CFR Part 131.

Summary

EPA has determined that the revisions are consistent with the federal water quality standards regulations at 40 CFR Part 131 and the CWA. In accordance with Section 303(c) of the CWA and 40 CFR Part 131, EPA is approving these revisions. In accordance with 40 CFR 131.21(c), the revised State water body primary and supplemental classifications are now considered effective for CWA purposes.

If you have any questions, please feel free to contact me at (404) 562-9470, or have your staff contact Lisa Perras Gordon at (404) 562-9317.

Sincerely,



James D. Giattina, Director
Water Management Division

Enclosure

cc: Alanna Conley, Source Water Assessment, EPA Region 4
Tom DeGaetano, Drinking Water Program, EPA Region 4
Marion Hopkins, Standards, Monitoring and TMDL Branch, EPA Region 4
Shawneille Campell, Standards, Monitoring and TMDL Branch, EPA Region 4

Enclosure 1: Use Classification Modifications
Broad River: Town of Shelby
Broad River: Town of Forest City

A-7

**PROPOSED AMENDMENT TO THE BROAD RIVER BASIN SCHEDULE OF CLASSIFICATIONS AS REFERENCED
IN TITLE 15A NORTH CAROLINA ADMINISTRATIVE CODE 2B .0306**

Name of Stream	Existing Description	Description of Proposed Segment	Existing Class	Proposed Class
Broad River	From a point 0.2 mile downstream of Rutherford County SR 1145 to North Carolina-South Carolina State Line	From a point approximately 0.3 mile downstream of Cane Creek to a point 0.5 mile upstream of the Town of Shelby proposed water supply intake	C	WS-IV
		From a point 0.5 mile upstream of Town of Shelby proposed water supply intake to Town of Shelby proposed water supply intake	C	WS-IV CA
Second Broad River	From Cone Mills Water Supply Intake to Broad River	same	C	WS-IV
Riddles Creek	From source to Second Broad River	same	C	WS-IV
Suck Creek	From North Carolina-South Carolina State Line to Broad River	same	C	WS-IV
Lake Houser	Entire Lake and connecting stream to Broad River	same	C	WS-IV
Ashworth Creek	From North Carolina-South Carolina State Line to Broad River	same	C	WS-IV
Jones Branch	From source to Broad River	same	C	WS-IV
Sandy Run Creek	From source to Broad River	From a point approximately 0.2 mile downstream of West Fork Sandy Run Creek to Broad River	C	WS-IV
Church Branch	From source to Sandy Run Creek	same	C	WS-IV
Grog Creek	From source to Sandy Run Creek	From a point 0.3 mile downstream of US 74 to Sandy Run Creek	C	WS-IV
Camp Creek	From source to Broad River	same	C	WS-IV
Jolly Branch	From source to Broad River	same	C	WS-IV
Willis Branch	From source to Broad River	same	C	WS-IV

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Name of Stream	Existing Description	Description of Proposed Segment	Existing Class	Proposed Class
Broad River	From a point 0.2 mile downstream of Rutherford County SR 1145 to North Carolina-South Carolina State Line	From a point 0.2 mile downstream of Rutherford County SR 1145 to a point 0.5 mile upstream of the Town of Forest City proposed water supply intake	C	WS-IV
		From a point 0.5 mile upstream of Town of Forest City proposed water supply intake to Town of Forest City proposed water supply intake	C	WS-IV CA
Cleghorn Creek	From source to Broad River	From a point 1.3 miles downstream of Coke Road	C	WS-IV
Charles Creek	From source to Cleghorn Creek	same	C	WS-IV
Grays Creek	From source to Broad River	same	C	WS-IV
Green River (including Lake Adger below elevation 913)	From Cove Creek to Broad River	From a point approximately 0.4 mile downstream of White Oak Creek to Broad River	C	WS-IV
Lyles Lake	Entire Lake and connecting stream to Broad River	same	C	WS-IV
Jarretts Creek (Hester Creek)	From source to Broad River	same	C	WS-IV
Hensons Creek	From source to Broad River	same	C	WS-IV
Dills Creek	From source to Broad River	same	C	WS-IV
Hayes Lake	Entire Lake and connecting stream to Broad River	same	C	WS-IV
Richardson Creek	From source to Broad River	From source to a point 0.3 mile upstream of Broad River	C	WS-IV
		From a point 0.3 mile upstream of Broad River to Broad River	C	WS-IV CA
McKinney Creek (Mc Kenny Creek)	From source to Broad River	From source to a point 0.4 mile upstream of Broad River	C	WS-IV
		From a point 0.4 mile upstream of Broad River to Broad River	C	WS-IV CA
Arrowood Branch	From North Carolina-South Carolina State Line to McKinney Creek	same	C	WS-IV